

**EAST STROUDSBURG AREA SCHOOL DISTRICT
BOARD OF EDUCATION
POLICY REVIEW COMMITTEE MEETING
MARCH 18, 2024
CARL T. SECOR ADMINISTRATION CENTER & VIA ZOOM—4:30 P.M.
MINUTES**

- I. Meeting was called to order at 4:35 p.m. by Keith Karkut.
- II. **Policy Committee Members Present were:** George Andrews, Jason Gullstrand, Keith Karkut, and Debbie Kulick.
- III. **School Personnel Present were:** Brian Baddick, Eric Forsyth, Debra Wisotsky, Steve Booth, and Steve Zall.
- IV. **Members of the Board Present were:** Wayne Rohner.
- V. **APPROVAL OF AGENDA**

RECOMMENDATION OF THE COMMITTEE: Motion was made by George Andrews to approve this agenda for March 18, 2024 (pages 1-2), with members of the Committee reserving the right to add to the agenda and take further action as the Committee deems appropriate. Motion was seconded by Debbie Kulick and carried unanimously, 4-0.

VI. **APPROVAL OF MINUTES**

RECOMMENDATION OF THE COMMITTEE: Motion was made to approve the minutes for by Debbie Kulick February 26, 2024 (pages 1-5). Motion was seconded by Jason Gullstrand and carried unanimously 4-0.

VII. **POLICIES FOR DISCUSSION:**

Policies presented by administration-

- a. Policy 903 Public Comment in Board Meetings (PSBA recommended sample policy) Mr. Karkut stated, I believe we are looking at this from a discussion standpoint to get input from the Board as directed by the PSBA PNN Network. Mr. Forsyth added, it all started as a name change (from public participation to public comment in Board meetings). As you go through you can see a lot of options that may already be addressed in current policy, and some may not. The recommendation from PSBA is, rather than red line the policy, let the Board navigate through the entire policy template with the options you see there to have something to present to the whole Board if you choose. The first item is the PNN report. It provides you with the background as a reference tool if there is anything you would like to go back and look at. The PSBA sample policy is the one we should review as it is the actual template. The third item is our existing policy. Mr. Karkut began to read the purpose and authority sections of the policy. In the sentence, “An opportunity for district residents and taxpayers to provide comment on matters of concern” Mr. Karkut stated they are asking us to choose if we

want to include employees and students in that statement. Mr. Andrews shared he believes that we should include employees and students as well. Ms. Kulick stated I believe we do already. Mr. Karkut then asked, isn't there a policy that prohibits employees from commenting. Mr. Forsyth shared there are policies that limit speech when one is working during employment hours but there is also policy where people have their freedoms when outside of here. If you check both boxes, you will pretty much allow what has already been allowed over time. To clarify for the public, an opportunity for district residents and taxpayers doesn't show up as an option because it is required by the school code. This is in excess of what the code requires and can be selected as well. In PSBA's template, if you don't see options (brackets) in front of it, it means you can't legally unselect it. They are legally entitled to public participation; however, school code does not specifically state that it the case with employees and students. It means the presiding officer can receive other public comment as they see fit. In this case, they too wouldn't be able to be told no if they came to speak on a matter of official concern or action.

Mr. Karkut continued reading the policy. The committee agreed to add the sentence, "The presiding officer may expand the opportunity to provide public comment to others when deemed necessary to inform the Board". Meaning if a non-resident taxpayer, a State representative, accountant or someone has something helpful, the Board President may allow them to speak. Copies of the agenda shall be made available to the public. Mr. Forsyth stated that the number 3 at the end of the sentence refers to the statute in law that pertains to the Sunshine Act. The committee initially chose to exclude the sentence starting with, "The Board shall provide a second public comment period..." Mr. Karkut stated even though this is very common in most public meetings and most municipalities do this. I know it may lengthen the potential time of the meeting. Mr. Gullstrand stated his concern, being what he teaches, he always advocates for your voice and the community to be able to say what they want. His concern was that we are going to get individuals who are discussing things that are not necessarily in line with the agenda or not associated with the district. Mr. Andrews added it must be in line with something on the agenda. Mr. Gullstrand stated we had this conversation with Chris Brown. He stated anything that is pretty much talked about in the beginning, because we approve the previous agenda, they can bring it up at public comment. Mr. Andrews noted when we add things to the agenda, they don't know about them. Mr. Gullstrand added that is fine, as long as it is associated with the agenda we have. Mr. Forsyth clarified, saying the purpose of what is cited here at the top of the page is because of what the law requires. Any item on the agenda that is going to be acted on, the Board is required to hold public participation at the beginning of the meeting. The Board can't just say that all public participation will be at the end. It does require that the public participation occur at the beginning for the expressed purpose of discussing items the Board will take action on. To your point, if an item would later be added to the agenda, the law requires that they pause before taking any action on it to allow the members of the public present to have comment on that one item exclusively, because you can't vote on it without the opportunity for public participation. Even without checking this box that we are discussing, the public would always by law have an opportunity to comment on any given agenda item whether in advance of the meeting or when it is added to the agenda and prior to being discussed and voted on. Mr. Karkut stated I like having this, but I am going to publicly voice that if we include a second opportunity that the public not comment on what we already voted on to further lengthen the discussion. In some municipalities, the second public comment session is not just for agenda items, they make it available for anything else you want to address.

We are a pretty open Board who takes emails and requests from the public and address them, so I don't believe we have to have a second public comment. Ms. Kulick commented that the next paragraph is your catch all. Mr. Gullstrand stated I think too, we have the form that needs to be filled out prior to the meeting. Will that also be required for a secondary set of comments if it is not based upon anything that is previously on the agenda? How will we incorporate that for a secondary set of comments? In the end, the committee's final decision was to eliminate the second public comment opportunity.

Mr. Karkut continued on with the section regarding terminating public comment under limited circumstances 1-6. All members agreed with this section. Under the Guidelines section on Sign-in and Request to Comment, the committee discussed the list items they could choose from (bracketed items). The committee agreed that we pretty much do them all in some form. Mr. Andrews asked about community members joining via Zoom. Mr. Forsyth stated what happens right now as I compare this sample and our current policy, we provide for everything you see stated here, just not perhaps in this depth of explanation. For example, in existing Policy 903 it indicates that any eligible participant must register prior to the meeting using the forms provided by the district. What we do for those that just come, the forms are here, and I believe your Board secretary collects them at 7pm. For those online, when they register for that meeting, they receive the form through a link in the email with the instructions automatically from the Zoom meeting. You could check everything and the language that is here, easily replaces the language I see in Policy 903, even where it says the presiding officer at each board meeting shall follow policy for the conduct. It doesn't get into the details that this sample is providing, it does talk about comments about agenda items or matters that may come before the Board, it gives the time limit of three minutes, it talks about residents and taxpayers, which is the minimum requirement. What we are seeing here is encapsulated and you can check all of those and it wouldn't be a big change to implement administratively because we are already doing these things. The presiding officer may just have an announcement at each meeting. The only difference is that we currently do not have a script right now. Mr. Karkut noted we can adopt the script in the sample if we so choose.

Mr. Andrews asked for something more explaining the process with regard to Zoom meetings, so people know how. Mr. Karkut suggested incorporating that individuals need to register and sign up prior to the start of the meeting online. If people show up here after the start of the meeting, we don't hand out the form. We need to clarify that. Mr. Forsyth stated, they are using those two blurbs here to address two different things. The first one on the bottom of the page to the left is specifically for comment which we provide those forms separate; however, individuals who attend and wish to comment. I believe their language is somewhat confusing on the top of this other page because it doesn't speak about just the attendees. We have everyone sign in whether online or in person. We provide the sheet. I think the language on the bottom of the page to the left addresses those who wish to comment because the document includes whatever it doesn't get specific. Mr. Forsyth said if it pleases the committee, keep the top statement and say all individuals attending the Board meeting should sign in on the sheet provided at the meeting and provide the following info on the sign-in sheet. We still collect all the items three through that. In the other form that we provide in person and electronically, which is the first one, we could list all four of those but then, do we want to keep it more fluid so if the Board wants to make a quick change and say we want this on the sign-in form we can just add it. Mr. Andrews said we can take comments on Zoom but not on YouTube. Mr. Forsyth said, correct, because it is unit directional, it is

casting, it is not the Zoom interface where if they want to make a public comment. They can do so by being promoted to a commenter. Mr. Andrews reiterated that I don't think the people know that. We should inform them they can only do it through Zoom. Mr. Forsyth added, the Board can consider too, the meeting while it can be cast to Zoom, it can be sent to YouTube to be watched, the Board can choose to require comments to be made in person or submitted in writing and not done electronically. It is easy to maintain, we can just keep doing what we are doing. Mr. Gullstrand asked, when we provide questions through Zoom, when you are waiting for the window to open for the presenter to begin, when do they receive the form. Say it is 6:57 or so, I am at the door and signing in, they hand me the form, which is here. If I am zooming at 6:57 and I am waiting to enter into the Zoom because it hasn't started yet, in that time period, am I sent that form to register or is it sent once I've selected? Mr. Forsyth replied, when you register for the meeting, which is a requirement to get the link for the meeting, that email with the link also contains the link to the form. You can choose to fill out the form first, then join the meeting or you can click both of them and do them at the same time. Mr. Karkut said for clarification, the form can be edited to send out to people. That form is very unclear because the link to fill out the form is down lower. This happened to me before personally. I signed up to get into the meeting, I got the letter and didn't read it fully, shame on me. It said you are registered to come to our meeting and then I realized at 7:02 when the meeting started that unless I filled out the form before the meeting started, I was not able to speak at the meeting. That is very unclear. Here you get greeted by security and if you want to speak at the meeting, here fill this form out. Mr. Andrews asked why the form has to be completed prior to the start of the meeting and not before the start of the public comment section. That gives them time so if they are a little late. Mr. Karkut said he has seen security bring the forms in here after the start but online the cutoff is 7pm. Would it make more work for the tech staff to see if anyone signed in at the last minute to fill out the form? Mr. Gullstrand stated when a person comes in person to sit through one of our meetings, they have an agenda. When they come digitally, do we provide them with a link to the digital agenda that we post online in the email? Mr. Forsyth replied, I don't know if it is in the email; however, the usually get to that link by signing into our website to see what the agenda is. Mr. Karkut stated you have click to the agenda; it is not given to you in the email. Mr. Gullstrand shared, the problem is this, we all get our big Board packets. The public does not see the supporting documents. It is separate or outside of the agenda. I'm just trying to think of a way to make that available in the easiest way possible for the public to be able to have access to those supporting documents. To be honest, I don't even know if people know they can access the agenda and supporting documents because we just take it for granted. Mr. Andrews suggested that the agenda be part of the documents they receive when they sign up online for the meeting. They can't ask a question if they don't know what is on the agenda. That brings up another question, what happens when we add to the agenda, how do the people on Zoom going to know and if they want to ask a question. Mr. Karkut stated the President can ask if someone would like to readdress and raise their hand electronically and offer them that second chance on Zoom. So, we are going to keep everything in this section with the modification discussed. Mr. Forsyth interrupted and stated that the Statement of the Presiding Officer should be a heading for the piece below it. We understand you are selecting them all, but the format will show that it is a heading in bold just like you see for Public Comments.

Mr. Karkut began reading the selections under Public Comment. He asked does this mean the public comment section is for everything not just individuals. Mr. Forsyth

stated the only time restriction we currently have in policy is for three minute per individual. Mr. Karkut asked so is this saying we have 10 people, and we only have three minutes per person, that is thirty minutes, then public comment is over? Ms. Kulick reminded them that this is only an option, if we say limited to three minutes, then we don't even need to consider. Mr. Forsyth added, no, you still have the statement on the top of the preceding page that if the Board determines that there is not sufficient time, because you can have a filibuster public comment session, depending on the subject. The Board always has the authority as a whole to determine after five members vote that we are ending public comment today and choose to do what they want with the agenda item that is causing the public comment as well. Mr. Karkut said no need to worry about that or the second public comment because we are not choosing that either. He read, each statement made by a participant shall be limited to three minutes or other. Ms. Kulick stated three minutes seems to work fine. Mr. Gullstrand added we have often given some leeway to some. Mr. Karkut added but not everyone. Ms. Kulick stated three minutes makes people pinpoint what they actually need to say. Mr. Karkut notes, this next statement, is very interesting. Commenter may not cede their time to other individuals. He said, technically, I have been at meetings where that has happened. I might be speaking, and the public says hey, he is on to something, I give him my three minutes. Are we going to say no, no you can't do that. I think we should allow it. Ms. Kulick noted, only if they have filed a request to speak, so then someone can cede their time. Mr. Karkut added that makes sense, if you didn't fill out a form, then you were not going to speak anyway. Ms. Kulick said if you are speaking on the same topic I am and you're doing a fine job, then I could cede my time to you. She stated I agree with the statement no one should speak more than once on one topic, that part I agree. The committee agreed to stick with the three minutes and that individuals may cede their time only to another registered member. Mr. Andrews asked about what if we want to allow more than three minutes. Is there anywhere to exceed the time. Mr. Forsyth responded, that on the next page item six, but the check and balance there is that the presiding officer would have to have four other members that support that decision. It is a reasonable protection to be objective, not subjective as well. Mr. Gullstrand shared, if someone is coming after you, we have allowed them to talk, we have allowed them to go over the three minutes, we have asked them to leave and asked them to stop and they didn't. Ms. Kulick said, that is when we cut off the mic and ask them to leave or be escorted out.

Mr. Karkut continued to read the presiding officer's authority and items 1-6. The committee had no concerns with the items listed. On the choice, "Where the presiding officer's ruling regarding public comment is disputed, it may be overruled by a majority of those school directors present and voting." Ms. Kulick asked didn't the other say you had to have the majority. Mr. Forsyth added, here is the difference, it is the direction. If the presiding officer wants to extend something or change something, that is in violation of the currently published rules, he would need the majority of support. If, however, the presiding officer determines that somebody's speech is profane, and the rest of you don't agree, it works both ways. That would be the Board asking for the majority to put in the policy the ability to override their Chair, if the Chair made a decision that they felt was in harmony with these instructions, that they disagreed. Mr. Karkut stated so it is a check and balance for the presiding officer. The majority committee agreed to include this choice; Ms. Kulick stated she was ambivalent on this item. Mr. Karkut read the response to public comment section and the recording and release of public comment section heading. Mr. Andrews stated that he felt the recording should be an official record as well as the written. Mr. Forsyth stated there is about five citations

here to the reasons that PSBA is including that here. You don't have to say it but the official record of the Board, are the minutes, because the Board has to vote them in at the next meeting and that is by law. The recording that is made is a tool for the public to go back and see the meeting and for the Board secretary to be able to develop the minutes as well. It is true to state that the recordings are not the official record, but we do make them available as you know online almost immediately following the Board meeting. It is simply letting the public know that per law, that recording is not considered the official record of the meeting. For example, someone hears a vote on that recording and it passes, that is not the official record they would be able to rely upon for that. They would have to wait for the Board to approve those minutes at the succeeding meeting. It is the minutes that become the record of the meeting. It simply lets everyone know that a recording might exist, but it is not the end all. Mr. Andrews asked it we as a Board wanted to make it official, would that be another Board policy? Mr. Karkut stated, what George is getting at, is the disposing of our video. Mr. Gullstrand stated, I think what George wanted is, the recording is not official, and neither are the minutes until we approve those minutes the following month. We don't approve the video, because we would have to review the video to approve that as being an official motion. Mr. Andrews stated there could be things in the video that are changed in the written minutes. So the video might be more accurate than the written minutes. Mr. Forsyth added, but a video can also be edited to remove things as well. That is why the checks and balance exist of the Board coming back and approving the minutes. Mr. Karkut shared this also stems back to the pre-video Board meetings where you hit record on a tape recorder and waited to the next meeting to approve and that recording was erased per policy. Mr. Gullstrand understand George's point that can go back, we got our packet, went through the minutes and say something is not right here. George goes back and reviews the YouTube video and that is where we go to the minutes and approve you can say something might be missing. Ms. Kulick asked about hacking. If that is considered official video, can it be hacked. Mr. Forsyth said the simple answer is yes. Anything we post online in its raw form other than when doing committee meetings and we take out irrelevant pieces that are dead space between presenters and so forth. Then we chapter or mark them. Some of the unscrupulous can download any of those from our Zoom and make what they want from it. Mr. Andrews asked if the official one that is kept by the School Board, not the ones streamed out there, at the same time the recording on our official site and be held for the Board to review. Mr. Forsyth asked, once the minutes are officially approved by the Board that voted at that meeting, what purpose would the video serve thereafter once the official minutes are created and catalogued? Mr. Andrews said, if you find in your packet that you don't agree with something, and you know it was on the video and don't agree with it, we don't have access to the video of it. Mr. Forsyth said none of this is saying you won't have access to the video. Mr. Karkut stated we are going way off the subject now. This is saying the recording, not the video, is not the official once we approve the minutes at the next meeting. If there is a question at the next meeting, there is a question of the recording, it can be brought up and go back to the recording to discuss before it becomes official. I think you're defining two different things here George. Mr. Karkut went on to read further in the policy under the heading Board Committees. Mr. Forsyth explained, if you have your committee that is sitting here tonight, you can choose whether or not public comment occurs because you are not a quorum of the Board that can take official action but, should you hold this as a committee of the whole and if this special policy committee meeting was advertised that the entire Board would be present and could take action, then public comment would be required. That is what

this section is telling you. The committee was in agreement with this section. Mr. Karkut read the next heading on Recording Devices and Cameras being permitted, all agreed. Mr. Forsyth said just to clarify are we striking the section on Board Committees starting with the sentence, “In general, meeting of the committees of the Board shall not include a public comment period” and choose the first sentence? The committee agreed yes to strike that sentence.” Mr. Forsyth also asked the committee to clarify the sentence on the previous page that district recordings shall not be the official record. The committee also agreed that recordings are not the official record. Mr. Karkut stated that he likes the sample comment form; however, the current register to comment form the district uses works. The committee agreed. As far as the presiding officer statement, Mr. Karkut suggested administration use the sample, making sure it aligns with what we previously discussed during this meeting and fill in the checks that apply. Mr. Gullstrand had one additional comment on registering and participating online that you don’t actually see the agenda there. It states if you wish to participate virtually in the meeting, click here to register. Can we also have a link to the agenda there. Mr. Forsyth stated he already opened that configuration, and we are going to review that to align with everything we discussed. Some people go through it that way to register, but you don’t have to. We will also clarify that if you wish to comment that the form must be completed as well.

Public Participation: Mr. Rohner asked if this Policy 903 is replacing the old 903. He stated where it says, “The presiding officer at each public meeting shall follow Board policy for the conduct of public meetings. Where the presiding officer’s ruling is disputed, it may be overruled by a majority of those school directors present and voting. Mr. Rohner asked, am I going to lose that? The committee stated, no that is included. He added, in the old one, “Public participation is invited early in the meeting. Comments about agenda items or matters that the School Board may consider are limited to approximately three (3) minutes. Does that change or only on agenda items. We have had families in here that wanted to speak but couldn’t because it wasn’t an agenda item. The latest one was a tax issue. Ms. Kulick stated that there is an option for that. Mr. Forsyth stated that language there is very parallel. I can read what it says in the new one. It is to provide public comment on matters of concern, official action or deliberation which are or may be before the Board. It is on the front page of the proposed policy in the bold paragraph toward the bottom. Mr. Rohner stated as long as it is more flexible and not more rigid. Mr. Karkut asked if this policy that we are reading over, are we going to readdress before it goes to the public for review. Mr. Forsyth replied that based on the action your taking, this will allow us to post this and provide for action by the Board at the next meeting where you can discuss this as a collective quorum. Mr. Andrews requested a copy be sent to the committee to be sure we have captured everything discussed. Mr. Karkut agreed. Mr. Forsyth agreed to honor their request. Mr. Rohner had one final comment. He said, at the PSBA conference in October, there was a school district that presented to the school districts in attendance that they utilize their YouTube video to educate their community stakeholders so they can reference the video at their leisure the actions that are occurring in the school district. George and I were in that class and interested in maintaining those videos. Mr. Karkut stated that is different than what this is saying. Mr. Andrews shared we are saying that they are not official videos, but they will be available. Mr. Karkut said the videos are live, we are live right now and it will be uploaded to YouTube for public review later tonight. Mr. Andrews said at another meeting we may have to decide how long we keep them there. Mr. Forsyth shared your public information department is greatly interested in that right now because now the relevant information is out there as long as many, many years of old information. Mr. Andrews stated but not on the district webpage.

VIII. ADVISORY RECOMMENDATIONS

RECOMMENDATION OF THE COMMITTEE: Motion was made by George Andrews to authorize and direct the administration to place Policy 903-Public Comment in Board Meetings on the April 15, 2024 Regular School Board Meeting Agenda for further discussion and recommendations by the full Board and District Solicitor. Motion was seconded by Jason Gullstrand and carried unanimously 4-0.

IX. **ADJOURNMENT:** 5:35p.m.

RECOMMENDATION OF THE COMMITTEE: Motion to adjourn was made by George Andrews. Motion was seconded by Jason Gullstrand and carried unanimously, 4-0.

Next meeting: April 15, 2024, at 4:30p.m. in the Carl T. Secor Administration Center Board Room

Respectively submitted by,
Debra Wisotsky